IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11131 of 2004

Between:

Bandla Bhaskar Rao, S/o.Kotaiah, aged 54 years,
R/o.1-2-1/1/A, Sarathinagar,Khammam.

..... PETITIONER

AND

1 The Food Corporation of India, rep.by its Senior Regional Manager,Reg.office, HACA Bhawan, Saifabad, Hyderabad.
2 The Dist.Manager, Food Corporation of India,Dist.office, Warangal
3 The Dist.Manger, Food Corp.of India,Dist.Office, Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents 2 and 3 in recovering the amount ordered in proceedings No.VIG 4(7)/2003 dt.30-4-2004 pending statutory appeal to the 1st respondent as illegal and arbitrary and consequently restrain the respondents 2 and 3 from making recoveries in pursuance of the proceedings No.VIG 4 (7)/2003 dt.30-4-2004.

Counsel for the Petitioner :MR.G.VIDYASAGAR, Advocate

Counsel for the Respondent Nos.1 to 3: MR.B.ANJANEYULU,Advocate

The Court at the admission stage made the following :

ORDER:

The writ petition is filed questioning the proceedings No.VIG.4(7)/2004, dated 30.04.2004 issued by the second respondent-District Manager and Disciplinary Authority.

The proceedings of the second respondent reads as follows:-

"I have carefully gone through the representation furnished by the charged official Sri B. Bhaskara Rao, AG I (Depot) against the charge memo issued to him towards proposed recovery of amount on account of full bag shortages, verified the connected records with reference to the reply furnished.

Taking into account the facts and circumstances of the case, I am of the view that imposition of the penalty of recovery of the amount of Rs.36,782/- (Rupees thirty six thousand seven hundred eighty two only) will meet the ends of the justice in this case :

I accordingly ordered recoveries."

Heard both the counsel.

For the show cause notice issued to the writ petitioner, he submitted an explanation. But, the explanation of the petitioner has not been considered in the first instance. Further, it is not clear how he was responsible for the shortage of full bags, nature of shortage, the period of shortage and whether he was in-charge for the stores during the period when the shortage occurred. So the order is not a speaking order for which some reasons should have been contained. Therefore, the impugned proceedings suffers from serious infirmity.

In the above circumstances, the impugned order dated 30.04.2004 is set aside and the matter is remitted to the Disciplinary Authority for passing appropriate orders, as per rules and with reasons, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. In the circumstances of the case, no costs.

K.C. BHANU, J

02nd July, 2004.

Ys

To

1 The Food Corporation of India, rep.by its Senior Regional Manager,Reg.office, HACA Bhawan, Saifabad, Hyderabad.
2 The Dist.Manager, Food Corporation of India,Dist.office, Warangal
3 The Dist.Manger, Food Corp.of India,Dist.Office, Khammam.
4 Two CD copies.